

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00029

AMOS ELWOOD BARKER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 27, 2014, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Amos Elwood Barker, appeared in person and by his counsel, Mary Lou Newberger, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham. The defendant commenced a five-year term of supervised release in this action on November 6, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on November 15, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on November 21, December 2, 16 and 30, 2013, for cocaine, and on December 9, 2013, for cocaine and marijuana, and his admissions to the probation officer as set forth in the petition; (2) the defendant associated with persons he knew to possess and sell illegal drugs; and (3) the defendant committed the state and local offense of driving under the influence for which he was arrested on December 23, 2013, for Aggravated DUI, as evidenced by a preliminary breath test which resulted in a BAC of .198% and a secondary chemical test which resulted in a BAC of .162% and the defendant's admission to the probation officer on December 27, 2013, that he operated a motor vehicle on December 23, 2013, after drinking "a lot of vodka"; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

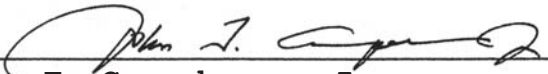
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of fifty-seven (57) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special conditions that (1) he participate in the alcohol and drug abuse counseling

and treatment program at Legends for a period of 90 days and follow the rules and regulations of the facility, and (2) once the program at Legends has been completed, the defendant shall participate in the West Virginia DUI Safety and Treatment Program in order to regain his driver's license. The defendant shall be transported directly from his place of incarceration to the Legends facility by Jim Jones. The court reimposes restitution in the amount of \$32,673 and the defendant is directed to make monthly payments as directed heretofore.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 11, 2014



John T. Copenhaver, Jr.
United States District Judge